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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,210	04/23/2001	Mohammed Khalil	NL000191	3949
24737	7590	10/15/2003	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LOPEZ, CARLOS N	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,210	KHALIL ET AL.	
	Examiner	Art Unit	
	Carlos Lopez	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

Newly submitted claims 9-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly claims 9-17 are drawn to a patently distinct invention for manufacturing a display tube. The newly claims for manufacturing a display tube which includes pressing the hot glass against the die with a plunger to form a glass structure having a front plate with a center, side peripheral portions, and corners that connect the side peripheral portions to the front plate, wherein the glass structure is thicker at the corners than at the center, and wherein the plunger cools an inner surface of the glass surface and cooling the plunger is a patentably distinct method for manufacturing a display tube from the invention of the original claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification only provides support for a 30 degrees *Fahrenheit* not 30 degrees *Celsius*.

Claim Objections

Claims 3 and 6 objected to because of the following informalities:

In claim 3, the word "temperature" is typed as "t mperature".

In claim 6, the word "the" is typed as "th " after "surface temperatures of" and also after "at least 30°C".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1) Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, the term "the inner corners" lacks antecedent basis.

It is unclear if claim 4 is an independent or a dependent claim. The first line of claim 4, after "A method as claimed in claim" has numerals 3 and 4 crossed out. For examination purposes, claim 4 is considered to be dependent on claim 3 since it is the only claim that provides proper antecedent basis for the term "inner corners" recited in claim 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Torok (US 3,258,324). Torok teaches molding a glass display face plates, for a glass tube, by using a plunger with a liquid metal core to control the heat distribution of the glass (Fig. 1, col. 3, lines 3 1-42). Torok also teaches that various heat transfer enhancing or heat transfer reducing elements may be inserted in the plunger to achieve whatever desired temperature distribution (col. 4, lines 1-6%. Torok also teaches that the temperature at the flange area (which would press against the claimed inner corners) 21, 22 in Figure 1 has a temperature around 829⁰F, while the center wall temperature may be around 915⁰F if the shim is inserted. Thus, Torok teaches a temperature difference between the center and the edge of the plunger of 86⁰F (-50⁰C difference). In regards to the limitation that the corners remain at a temperature below the strain point temperature of the glass *after pressing*, it is inherent that *after pressing* of the glass, such as when the pressed formed glass plate is being used for a television tube will be at a point that remains below the strain point temperature of the glass, hence meeting the claimed limitation of "remain below a strain point temperature of the glass *after pressing*."

As for claims 7-8, the claimed heat transfer element is deemed as Tork's stainless steel plunger used to press form the glass plate (Col 3, lines 65-66).

3) Claims 1, 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Iribarne et al (US 4,826,522) in view of Littleton et al (US 2,285,596). d'Iribarne discloses a method for making tempered glass sheets with reinforced edge stresses.

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d'Iribarne press forms glass sheets at a tempering and bending station 2. d'Iribarne's cooling means 10 lowers the temperature of the glass edges in relation to the center (Col. 1, lines 56-61). In regards to the claimed limitation that the corners remain at a temperature below the strain point temperature of the glass *after pressing*, the finished glass end product will be at a point that remains below the strain point temperature. Moreover, it would be inherent that the glass plate remains below the strain point temperature of the glass when the glass plate is passed through the cooling station 7.

As for claims 3-4, since cooling means 10 cools the corners of the glass plate, it would be inherent that at the very least that there would be a one-degree temperature difference in relation to the center of the glass plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 2, 5, 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over d'Iribarne et al (US 4,826,522) as applied to claim 1 above and as evidenced by Littleton et al (US 2,285,596). d'Iribarne discloses a method for making contact tempered glass sheets with reinforced edge stresses. d'Iribarne press forms glass sheets at a tempering and bending station 2. As known in the art and shown by Littleton, tempering of glass is done at a temperature that is lower than the strain point

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of glass (see claim 4 and Page 1 left column Lines 47-51). In view that d'Ibarne tempers a glass plate while press forming it with plates 3 & 4, and as shown by Littleton that tempering of a glass is done at a temperature lower than the strain point of glass, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, that d'Iribarne's tempering method of press forming a glass plate would be below the strain point temperature.

In regards to claim 2, since cooling means 10 cools the corners of the glass plate, it would be expected at the very least that there would be a one-degree temperature difference in relation to the center of the glass plate.

In regards to claim 6, since the press forming of the glass is done at a temperature lower than the strain point of the glass, the claimed 30°C below the strain point would be expected.

Response to Arguments

Applicant's arguments filed 7/18/03 have been fully considered but they are not persuasive. In regards to applicant's argument that Torok does not teach press forming the glass plate below the glass strain point temperature after pressing, it is deemed that after pressing the glass would cool down and thus be considered as "below a glass strain point temperature *after pressing*."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



PETER CHIN
PRIMARY EXAMINER

C.L